construction. Restriction between dependent inventions is not permissible under the plain meaning of 35 U.S.C. §121. Consequently, Applicants respectfully request the Examiner reconsider and withdraw the restriction requirement.

II. ELECTION OF SPECIES

In the outstanding Office Action, the Examiner asserts that the terms "insulin" and "GLP-1" are somewhat ambiguous and could refer to naturally occurring peptides from any of several mammalian sources or could refer to various modified peptides. In this context the Examiner requires Applicants to identify whether the peptide species elected in response to the Office Action dated November 6, 2001 are those which occur in humans, or are from another source, or are modified in some way (outstanding Office Action, page 2, 1st paragraph).

In response to the Examiner's requirements for additional specificity in the election of peptide species, Applicants elect human insulin and GLP-1 peptides (e.g. recombinantly produced human insulin and/or recombinantly produced human GLP-1, peptides that are encoded by genes originally isolated from the human genome). Applicants do so with traverse. In addition, as noted by the Examiner at page 4 of the outstanding Office Action, upon allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141 (M.P.E.P. 809.02(a), paragraph 8.01). Current independent generic claims include claims 1 and 21.

It is submitted that this application is now in good order for allowance and such allowance is respectively solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

William P. Van Antwerp et al.
By their attorneys,

GATES & COOPER LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: July 3, 2002

By: _____
Name: William J. Wood
Reg. No.: 42,236

WJW/amb/sjm

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